

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL TYRONE SHANNON,

Plaintiff,

v.

J. TAPIZ, et al.,

Defendants.

No. 2:22-cv-01504-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION DUE TO PLAINTIFF'S  
FAILURE TO STATE A CLAIM

(Doc. No. 20)

Plaintiff Michael Tyrone Shannon is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On May 24, 2023, the assigned magistrate judge screened plaintiff's operative second amended complaint and found that plaintiff had failed to state any cognizable claims. (Doc. No. 13.) Plaintiff was given an opportunity to file a third amended complaint and was warned that his "failure to file an amended complaint in accordance with this order will result in a recommendation that this action be dismissed." (*Id.* at 5–6.) Despite requesting and receiving several extensions of time in which to do so (Doc. Nos. 14, 15, 17–19), plaintiff did not file a third amended complaint and has not otherwise communicated with the court.

Accordingly, on December 20, 2023, the magistrate judge issued findings and recommendations recommending that this action be dismissed, without leave to amend, due to

1 plaintiff's failure to state a cognizable claim upon which relief may be granted. (Doc. No. 20.)  
2 Those findings and recommendations were served on plaintiff and contained notice that any  
3 objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.* at 2.)  
4 To date, no objections to the pending findings and recommendations have been filed, and the time  
5 in which to do so has now passed.

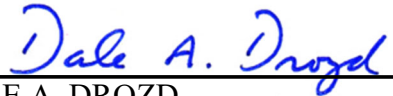
6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
7 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
8 findings and recommendations are supported by the record and by proper analysis.

9 Accordingly,

- 10 1. The findings and recommendations issued on December 20, 2023 (Doc. No. 20)  
11 are adopted in full;
- 12 2. This action is dismissed due to plaintiff's failure to state a cognizable claim for  
13 relief; and
- 14 3. The Clerk of the Court is directed to close this case.

15 IT IS SO ORDERED.

16 Dated: February 25, 2025

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18 DALE A. DROZD  
19 UNITED STATES DISTRICT JUDGE  
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